

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMICUS THERAPEUTICS US, LLC)	
and AMICUS THERAPEUTICS, INC.,)	
)	
Plaintiffs)	
)	
v.)	C.A. No. 22-1461-CFC
)	ANDA CASE
TEVA PHARMACEUTICALS USA,)	
INC.; TEVA PHARMACEUTICALS,)	
INC.; and TEVA PHARMACEUTICAL)	(consolidated)
INDUSTRIES LTD.,)	
)	
Defendants.)	
)	
)	
)	
)	

STIPULATION AND ORDER DISMISSING DEFENDANT
TEVA PHARMACEUTICAL INDUSTRIES LTD. WITHOUT PREJUDICE
AND AMENDING CAPTION TO REFLECT SAME

This stipulation is made by and between Plaintiffs Amicus Therapeutics US, LLC and Amicus Therapeutics, Inc. (collectively, “Amicus” or “Plaintiffs”) and Defendants Teva Pharmaceuticals USA, Inc. (“Teva USA”), Teva Pharmaceuticals, Inc. (“Teva Inc.”) and Teva Pharmaceutical Industries Ltd. (“Teva Ltd.”) (collectively, “Teva” or “Defendants”):

WHEREAS, Plaintiffs filed suit against Defendants in the above-captioned case (the “Action”);

WHEREAS, Teva Ltd. maintains that it is not a proper defendant in the Action;

WHEREAS, Plaintiffs maintain that Teva Ltd. is a proper defendant in the Action;

WHEREAS, Teva Ltd. submitted Drug Master File No. 36618 for migalastat hydrochloride to the FDA on February 28, 2022;

WHEREAS, Teva API India Private Ltd. (“Teva India”), a non-party to this Action, is listed as a manufacturer of migalastat hydrochloride in Teva’s ANDA submission to the FDA;

WHEREAS, Plaintiffs and Defendants enter into this stipulation in order to resolve these disputes with respect to Teva Ltd. and Teva India without further burdening the Court;

NOW THEREFORE, Plaintiff and Defendants, by and through their respective undersigned counsel in this Action, and subject to the approval and order of the Court, hereby stipulate and agree as follows:

1. Without conceding that it is a proper defendant to this litigation, Teva Ltd. agrees to be bound by any judgment, order, or decision, including any injunction or stipulation, rendered as to Teva Inc. and Teva USA (collectively the “Remaining Defendants”) in this Action (including appeals) with respect to ANDA No. 217586

and/or the infringement, validity or enforceability of the patent-in-suit as if it remained in this Action as a named defendant.

2. Without conceding that it is a proper defendant to this litigation, Teva Ltd. agrees that it will not contest personal jurisdiction or venue in this Court for purposes of enforcing any judgment, order, or decision, including any injunction or stipulation, rendered as to the Remaining Defendants in this Action;

3. The Remaining Defendants stipulate that any of Teva Ltd. and Teva India's documents, witnesses, and information that would be discoverable in this Action shall be deemed to be in the possession, custody and control of the Remaining Defendants for the purposes of discovery, including requests for product or inspection, interrogatories, and requests for admission, in this Action.

4. Subject to any applicable objection or privilege that it would have if it were a party to this Action, the Remaining Defendants agree that Teva Ltd. and Teva India will provide discovery in this Action pursuant to the Federal Rules of Civil Procedure, including without limitation, Rules 26, 30, 33, 34, 36 and 37. Again subject to any applicable objection or privilege, the Remaining Defendants agree that Teva Ltd. and Teva India will search for and provide for production in this matter information in their possession, custody or control responsive to discovery requests, including requests for production or inspection, interrogatories, and requests for admission served by Plaintiffs on the Remaining Defendants. For the

avoidance of doubt, Teva expressly reserves the right to object to any discovery sought from Teva Ltd. or Teva India on any basis provided under the Federal Rules, including as lacking relevance and/or proportionality.

5. Defendants stipulate that Plaintiffs may seek depositions of employees of Teva Ltd. and Teva India subject to any applicable objection or privilege, by serving deposition notices under Federal Rules of Civil Procedure 30(b)(1) or 30(b)(6) on counsel for Defendants as if Teva Ltd. remained in this Action as a named party and without need for service of subpoenas or compliance with the procedures of the Hague Convention.

6. Teva Ltd. agrees to be bound by resolution of discovery matters applicable to the Remaining Defendants in this Action.

7. Any discovery disputes with Teva Ltd. and Teva India shall be resolved by the Court via proceedings with the Remaining Defendants. Any disputes regarding Teva's compliance with this stipulation, or regarding this stipulation's enforcement against Teva, also shall be resolved by the Court via proceedings with the Remaining Defendants.

8. All claims against Teva Ltd. are hereby dismissed without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

9. Upon entry of this stipulated order, the case caption for this Action shall be amended to remove Teva Ltd., and the new caption shall be as follows:

AMICUS THERAPEUTICS US, LLC)	
and AMICUS THERAPEUTICS, INC.,)	
)	
Plaintiffs)	
)	
v.)	
)	C.A. No. 22-1461-CFC
TEVA PHARMACEUTICALS USA,)	ANDA CASE
INC. and TEVA)	
PHARMACEUTICALS, INC.,)	(consolidated)
)	
Defendants.)	
)	
)	
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BARNES & THORNBURG LLP

/s/ Chad S.C. Stover

Chad S.C. Stover (#4919)
222 Delaware Avenue, Suite 1200
Wilmington, DE 19801
(302) 300-3474
Chad.Stover@btlaw.com

OF COUNSEL:

John W. Cox, Ph.D.**
Christina M. Baugh**
Joshua M. Kalb**
Lauren Baker**
Anna Whitacre**
3340 Peachtree Road N.E., Suite 2900
Atlanta, GA 30326
(404) 264-4092

SHAW KELLER LLP

/s/ Nathan R. Hoeschen

Karen E. Keller (No. 4489)
Nathan R. Hoeschen (No. 6232)
I.M. Pei Building
1105 N. Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
kkeller@shawkeller.com
nhoeschen@shawkeller.com

OF COUNSEL:

Kurt A. Mathas
WINSTON & STRAWN LLP
35 West Wacker Dr.
Chicago, IL 60601-9703
(312) 558-5600
Attorneys for Defendants

Mark C. Nelson**
2121 N. Pearl Street, Suite 700
Dallas, TX 75201
(214) 258-4140

Heather B. Repicky**
One Marina Park Drive, Suite 1530
Boston, MA 02210
(617) 316-5317

Josh E. Ney, Ph.D.**
1717 Pennsylvania Avenue N.W.
Suite 500
Washington, D.C. 20006-4623
(734) 489-8004

**Admitted *pro hac vice*

*Attorneys for Plaintiffs,
Amicus Therapeutics US, LLC
and Amicus Therapeutics, Inc.*

Dated: May 25, 2023

SO ORDERED this _____ day of _____, 2023.

United States District Judge